

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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W9a

January 27, 2005

TO: Commissioners and Interested Persons

FROM: Charles Lester, Deputy Director
Diane Landry, District Manager
Susan Craig, Coastal Planner

SUBJECT: **CITY OF CAPITOLA: LOCAL COASTAL PROGRAM MAJOR AMENDMENT NO. 3-04 Part A.** For public hearing and Commission action at its meeting of February 16, 2005, to be held in Monterey at the Portola Plaza Hotel, 2 Portola Plaza, Monterey, CA 93940.

SYNOPSIS

The City of Capitola is proposing to amend the Implementation Plan (Zoning Ordinance) of the Local Coastal Program to modify applicable use and development standards primarily related to single-family residential development. The primary components of the proposed amendment include changes in: 1) allowable floor area ratio (FAR); 2) parking requirements; 3) allowable heights and required setbacks, and; 4) architectural and site review/design permit procedures. Additionally, the amendment adds standards for home occupation (work) permits, amends standards for large home daycare uses, adds standards regarding yard and garage sales, and extends the expiration date of design permits from one to two years after the date of approval.

SUMMARY OF STAFF RECOMMENDATION

Staff has reviewed the proposed Zoning Ordinance amendment for consistency with the certified Land Use Plan. Issues raised by the proposed amendments include parking and setbacks. As discussed in detail below, Staff recommends **approval** of Local Coastal Program Major Amendment No. 3-04 Part A, if modified.

ANALYSIS CRITERIA

The Commission certified the City of Capitola's Land Use Plan in June 1981 and the City Council accepted this certification action in November 1981. The Implementation Plan was certified in January 1990 and the City accepted this certification action in April 1990. The City has organized and submitted this LCP amendment request in accordance with the standards for amendments to certified LCPs (Coastal Act Sections 30512(c), 30512.2, 30513, and 30514, and California Code of Regulations 13551 through 13553).



California Coastal Commission

The proposed amendment affects the implementation plan component of the City of Capitola LCP. The standard of review for implementation amendments is that they must be consistent with and adequate to carry out the policies of the certified coastal land use plan.

ADDITIONAL INFORMATION

Further information on the submittal may be obtained from Susan Craig at the Central Coast District Office of the Coastal Commission at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.

Staff Report Contents

page

SYNOPSIS.....	1
I. STAFF RECOMMENDATION: MOTIONS AND RESOLUTIONS	2
II. SUGGESTED MODIFICATIONS	3
III. FINDINGS AND DECLARATIONS.....	7
IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)	10

I. STAFF RECOMMENDATION: MOTIONS AND RESOLUTIONS

Staff recommends adoption of the following resolutions:

Resolution I. (Resolution to approve City of Capitola Implementation Plan Major Amendment No. 3-04 (Part A) as submitted)

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the Implementation Plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion. *I move that the Commission **reject** Major Amendment #3-04(Part A) to the City of Capitola Local Coastal Program Implementation Plan as submitted.*

Resolution to reject. *The Commission hereby **rejects** certification of Major Amendment #3-04 (Part A) to the Implementation Plan of the City of Capitola Local Coastal Program, as submitted, and adopts the findings set forth below on grounds that the Implementation Plan, as submitted, is not in conformity with the certified Land Use Plan. Certification of the Implementation Plan amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan amendment as submitted.*

Resolution II. (Resolution to approve City of Capitola Implementation Plan Major Amendment No. 3-04 (Part A), if modified)



Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the Implementation Plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion. *I move that the Commission **certify** Major Amendment #3-04 (Part A) to the City of Capitola Local Coastal Program Implementation Plan if modified as suggested by modifications 1-8 in this staff report.*

Resolution to certify. *The Commission hereby certifies Major Amendment No. 3-04 (Part A) to the Implementation Plan of the City of Capitola Local Coastal Program, as modified by suggested modifications 1-8, and adopts the findings set forth below on grounds that the Implementation Plan amendment with the suggested modification will be in conformity with and adequate to carry out the certified land use plan. Certification of the Implementation Plan amendment, if modified as suggested, complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.*

II. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following changes to the proposed Local Coastal Program amendments, which are necessary to make the requisite findings. If the local government accepts the suggested modifications within six months of Commission action, by formal resolution of the City Council, the corresponding amendment portion will become effective upon Commission concurrence with the Executive Director finding that this has been properly accomplished.

Note: The Commission-suggested modifications are shown by deleting existing text with ~~striketrough~~ and adding text with underline.

Modification #1

Modify the following sections of the zoning ordinance as follows to provide additional clarity:

17.15.030(C). Exemptions from the requirement for a Design Permit include: 1. First floor addition of up to 400 square feet ~~or 25% of the existing gross building floor area (whichever is less)~~, at the rear of the property or structure, which is not visible to the general public, does not exceed 15 feet in height (8 feet to the top of the plate), and which uses similar, compatible or upgraded quality building materials; *(remainder of section unchanged)*

17.15.035(A). The Community Development Director/Zoning Administrator shall be authorized to approve or deny Design Permit applications for: 1. First-floor additions up to 400 square feet ~~or 25% of the existing gross floor area, whichever is less~~ (although certain additions of this type are exempt under section 17.15.030(C) (1); *(remainder of section unchanged)*

17.15.035(B). The Planning Commission shall be authorized to approve or deny Design Permit applications for...: 3. Additions of more than 400 square feet ~~or 25% of the existing gross floor~~



~~area, whichever is less; (remainder of section unchanged)~~

17.63.070(A). The Community Development Director/Zoning Administrator shall be authorized to approve or deny Design Permit applications for: 1. First-floor additions up to 400 square feet ~~or 25% of the existing gross floor area, whichever is less~~ (although certain single-family residential additions of this type are exempt under section 17.15.030(C) (1); *(remainder of section unchanged)*)

17.63.070(B). The Planning Commission shall be authorized to approve or deny Design Permit applications for...: 3. Additions of more than 400 square feet ~~or 25% of the existing gross floor area, whichever is less; (remainder of section unchanged)~~

Modification #2:

Modify the following sections of the Zoning Ordinance as follows, to clarify that design permits are not required for secondary dwelling units (to provide consistency with certified Section 17.99.040):

17.15.030(A). A Design Permit shall be required for the following improvements: A. All new single-family dwelling units, but not for secondary dwelling units; *(remainder of section unchanged)*

17.15.035(B). The Planning Commission shall be authorized to approve or deny Design Permit applications for: 1. All new residential dwelling unit construction, but not for secondary dwelling units; *(remainder of section unchanged)*

17.15.040(A) Principal permitted uses. The following are principal permitted uses in an R 1 district: A. One family dwellings, including secondary dwelling units pursuant to Chapter 17.99; *(remainder of section unchanged)*

17.18.040(B) Principal permitted uses. The following are principal permitted uses in an R M district...: B. Single family dwellings, subject to the development standards contained in Chapter 17.15, "Single-family Residence District;"; including secondary dwelling units as allowed in the R-1 District pursuant to Chapter 17.99;

Modification #3

Modify Sections 17.03.246 and 17.15.100 of the Zoning Ordinance to provide more clarity on how to calculate the Floor Area Ratio, as follows:

17.03.246 Floor area. "Floor area" means the entire floor area in all enclosed structures, without deduction for such features as interior walls, stairways or storage, except as permitted for one and one-half story single family residences pursuant to Section 17.15.100(B). It also includes covered or uncovered upper-floor decks; and porches and covered exterior open space in excess of 150 square feet, including eaves greater than 18" in length. For commercial uses the floor area of patios, courtyards and outside dining areas primarily utilized by a business or group of related businesses, its customers, or its employees, as opposed to the general public. Floor Area Ratio



means the gross floor area of all of the buildings on the lot divided by the net lot area.

17.15.100 Floor Area Ratio. Building size shall be regulated by the relationship of the building to the lot size, a measurement identified as Floor Area Ratio (FAR). Maximum FAR shall be determined as follows:

- A. Lots less than 2,650 sf 58%
- Lots 2,651 to 3,250 sf 57%
- Lots 3,251 to 3,500 sf 56%
- Lots 3,501 to 3,750 sf 55%
- Lots 3,751 to 4,000 sf 54%
- Lots 4,001 to 4,250 sf 53%
- Lots 4,251 to 4,500 sf 52%
- Lots 4,501 to 4,750 sf 51%
- Lots 4,751 to 5,000 sf 50%
- Lots 5,001 to 6,000 sf 49%
- Lots more than 6,000 sf 48%

Lots of 5,000 or more square feet with approved second dwelling units are permitted a maximum FAR of 60% for all structures, in accordance with Chapter 17.99 "Secondary Dwelling Units".

This calculation includes the gross building area, including covered parking, as further described in paragraphs B through F below:

B. The following building elements shall be included in the Floor Area Ratio Calculation: 1. That portion of the basement which exceeds the first two hundred fifty gross square feet of a basement, including the measurements of the access stairway; 2. All open area below the ceiling or angled walls, greater than 16 feet in height; 3. All upper floor area greater than four feet in height, measured between the bottom of the upper floor and the top of the ceiling; 4. For 1-½ story structures, the area of the stairwell shall be counted on the first floor only. ~~not be counted twice, but in all cases interior area above a projected floor to ceiling height of two feet shall be included in the FAR;~~ 5. Windows projecting more than 12" from the wall; 6. Covered or uncovered upper floor decks, and covered exterior open space in excess of 150 square feet, including eaves greater than 18 inches in length; 7. All accessory structures other than a single building of 80 square feet or less in size, 8 feet or less in height, and without plumbing or electrical fixtures.

C. The following shall not be included in the Floor Area Ratio calculation: 1. All vehicular rights of way which allow others to use the surface of the property, shall be excluded from the lot area for purposes of this section; 2. The first 250 square feet of basement area including the stairway serving that area; 3. The stairway serving the upper floor in a one and one-half story home; 4. Chimneys and projecting windows less than 12" deep; 5. First level decks 30" or less in height; 6. One hundred (100) square feet of ancillary area in a detached garage; 7. The area between the bottom of the floor and the top of the ceiling which is four feet or less in height, on the second level of a one-and-one-half- or two-story home; 8. All open area between the bottom of the floor



and the top of the ceiling or angled wall, which is 16 feet or less in height; 9. Unroofed (permeable) trellis structures, including porte-cocheres, which are open on at least three sides and not higher than 10 feet to the top of the highest portion. Such structures are not permitted in the front setback and must have a two-foot setback from side or rear property lines.

D. The footprint of all structures, except a trellis structure consistent with C.9 above and one accessory building of eighty or fewer square feet, 8 feet or less in height, and without electrical or plumbing fixtures, shall conform to all applicable setback requirements, i.e. for a secondary dwelling unit, detached garage, or principal residential structure.

Modification #4

Add new Section 17.15.140(I) to provide internal consistency regarding development standards for trellises, as follows:

I. Trellis structures intended to provide support for plants and shade for cars, hot tubs., etc. will not be permitted in the front setback and will not count toward the covered parking requirement. Such structures may be permitted in the side or rear setback as long as the height is limited to ten feet at the top of the highest portion, the structure roof remains permeable (roof members at least 12" apart), and the structure is open on at least three sides.

Modification #5

Modify Sections 17.18.060 (E) and delete Section 17.08.060 (J) (single-family dwellings in the R-M district are a principal permitted use) to provide internal consistency regarding conditional use permits, as follows:

The following are conditional uses in an R-M district, subject in each case to the securing of a use permit, as provided in Chapter 17.60:

E. Large family day care homes subject to the securing of a permit as provided in Section 17.15.060(F), large community care residential facilities (Subject to the special conditions in Section 17.15.060(F)-(G).

J. ~~Single family dwellings, subject to the development standards contained in Chapter 17.15, Single family Residence District.~~ Reserved.

Modification #6

Modify Section 17.03.610 regarding the definition of a "half story," as follows:

17.03.610 Story, half. "Half story" means a partial story under a gable, hip or gambrel roof, the wall plates of which are at least two opposite exterior walls and which are not more than ~~four~~ two feet above the floor plate of the second ~~first~~ floor, and may include shed or dormer projections from those walls. Dormers may constitute not more than one third of the length of the wall upon which they are located, whether as a single unit or multiple dormers.



Modification #7

Modify Section 17.81.110(B) regarding accessory structures, as follows:

B. One accessory structure 80 square feet or less and 8 feet or less in height shall be permitted without a building or design permit and may be located in the side or rear setback of a residential lot. Any additional accessory structures on any parcel shall comply with the development standards for the district in which they are located. The variance procedure, as provided in Chapter 17.66, shall only apply to the second or more accessory structure(s).

Modification #8

Add Section 17.63.035 to the Zoning Ordinance regarding exemptions from design permit requirements, as follows (to provide consistency with amended Section 17.15.030):

Chapter 17.63 ARCHITECTURAL AND SITE REVIEW

Sections:

17.63.010 Purpose.
 17.63.020 Architectural and site review committee.
 17.63.030 Required when.
17.63.035 Exemptions from design permit requirement. (remainder of Sections list unchanged)...

17.63.035 Exemptions from Design Permit Requirement.

A. First-floor additions at the rear of a home which are not visible to the general public; do not exceed 400 square feet; do not exceed 15 feet in height (8 feet maximum plate height); and which utilize matching or compatible building materials.

B. A single accessory structure of less than 80 square feet, less than 9 feet in height, with no electrical or plumbing fixtures.

III. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

The following City of Capitola LCP policy provides for exclusive residential development in certain areas of the City, and states:

***Policy I-2.** It shall be the policy of the City of Capitola to encourage mixed commercial/residential development in the Village and to designate certain existing residential areas as exclusively residential.*

The following policies provide for the protection of water quality and environmentally sensitive habitats



within the City, and also provide for adequate bluff top setbacks, and state:

Policy VI-1 (in part): *It shall be the policy of the City of Capitola to take measures within its purview to preserve and improve the quality of the waters of Monterey Bay...*

Policy VI-2 (in part): *It shall be the policy of the City of Capitola to protect, maintain and, where possible, enhance environmentally sensitive and locally unique habitats within its coastal zone...*

Policy VI-5: *The City shall, as a condition of new development, ensure that run-off does not significantly impact the water quality of Capitola's creeks and wetlands through increased sedimentation, biochemical degradation or thermal pollution.*

Policy VI-6: *The City shall enact regulations to control erosion and runoff.*

Policy VII-7 (in part): *Bluff and cliff top development shall be approved only if design and setback provisions are adequate to assure stability and structural integrity for the expected economic lifespan (at least 50 years) of the development and if the development (including storm runoff, foot traffic, grading, and irrigation) will neither create nor contribute significantly to erosion problems or geologic instability of the site or surrounding area...*

The following LCP policy requires public access to and along the City's shoreline, and states:

Policy II-1: *It shall be the policy of the City of Capitola to provide safe and adequate pedestrian access to and along the shoreline as designated in the Shoreline Access Plan.*

The City of Capitola's coastal zone is urbanized and largely developed with a mixture of residential and commercial/visitor-serving uses. Only a very small number of undeveloped parcels of various sizes remain in the City. Capitola has no large tracts of undeveloped land that would provide for significant growth. Because the City is already large built-out, residential development in the City consists largely of remodeling or redevelopment of already developed parcels.

The proposed amendment consists of text amendments to the City's certified Zoning Ordinance to modify the existing development standards for single-family homes in the R-1 (Single-Family Residential) and R-M (Multiple-Family Residential) zoning districts (single-family residential use is a principal permitted use in the R-M zoning district). These zoning districts lie outside the CV (Central Village) and the PF-P (Public Facility – Parks & Open Space) zoning districts, which are the primary destination areas for visitors to the City of Capitola. The amendments include a change in the existing Floor Area Ratio (FAR) from a 65% maximum to a sliding scale FAR based on property size; a reduction in the residential parking requirement, including covered parking; changes to heights and setbacks for principal and accessory structures; changes to miscellaneous operational regulations such as home occupations, garage sales, and second food preparation areas in single-family homes; clarification to the requirements for undergrounding utilities in conjunction with single-family home remodels; extension of permit clarification and changes to the processing of single-family home applications under the Architectural and Site review regulations; and regulations for the operations of large family daycare homes (i.e., a home that provides family daycare for up to 12 children). Please see Exhibit 1 for the proposed amendment language.



Regarding Floor Area Ratio (FAR), the certified Zoning Ordinance currently allows for a total FAR of no greater than 65% of the parcel. The proposed amendment provides a sliding scale FAR based on parcel size (see Exhibit 1, pp. 4-5), with FARs ranging from 48% to 58% based on lot size. Additionally, the amendment provides more specificity regarding how the FAR is calculated. Reductions in allowable site coverage under the new FAR requirements will result in less impervious surface on residential parcels, with resulting benefits to water quality due to reduced runoff. In addition, the amendment requires the incorporation of permeable driveway materials and other means of retaining storm water runoff on site to reduce non-point source pollution (see Exhibit 1, pg. 18). These amendments provide consistency with the water quality protection policies of the certified LCP.

Regarding allowable heights for residential structures, the amendment retains the 25-foot height limit, but allows an additional two feet of height for half-story designs and buildings that use historic design elements (see Exhibit 1, pg. 3). Regarding setbacks, the proposed amendment provides more detail and clarity regarding required front yard, rear yard, and side yard setbacks (see Exhibit 1, pp. 5-6). Any new residential development in hazardous areas (such as bluff tops) or adjacent to environmentally sensitive habitats will need to be consistent with the certified LCP's required setbacks from these areas.

Regarding parking, the existing LCP requires a minimum of three parking spaces for any single-family residence of 2,000 square feet or less, one of which must be covered. For single-family residences greater than 2,000 square feet, four parking spaces are required. The amendment changes the parking requirements as follows:

Structure Size	Total Spaces	Required Parking	Required Spaces	<u>Covered</u> Parking
1,500 or less	Two		Zero	
1,501 to 2,000	Two		One	
2,001 to 2,600	Three		One	
2,601 to 4,000	Four		One	

Residences greater than 4,000 square feet may require additional parking at the discretion of the Planning Commission (see Exhibit 1, pp. 7, 12).

The City finds that the current parking requirements are excessive given the small lot sizes that characterize many of the older areas of the City, and that the result of the existing standards is buildings dominated by double garages and streetscapes characterized by double driveways. The proposed amendment also encourages garages in rear yards wherever possible by reducing the required setback between detached garages and the main house (see Exhibit 1, pg. 6). The amendment does not change the certified prohibition on providing parking for single-family residences within any public right-of-way. Regarding public access, the R-1 and R-M districts are located outside of the primary visitor-serving areas of the City. Even so, certain residential areas, such as Depot Hill, may attract visitors due



to its bluff top location and public access path along the old Grand Avenue right-of-way. The proposed amendment, however, requires for a reasonable number of on-site parking spaces, based on residential structure size. These standards are adequate to protect public access in the City's coastal zone.

To ensure internal consistency with the Land Use Plan, additional clarity is needed regarding: 1) Exemptions from the design permit requirement; 2) the Floor Area Ratio calculation; 3) Development standards for accessory structures; 4) Conditional use permits, and; 5) the definition of a "half-story." Modifications #1-8 include these clarifications. City planning staff has been consulted and is in agreement with the proposed modifications.

The remaining portions of the amendment including changes to miscellaneous operational regulations such as home occupations, garage sales, and second food preparation areas in single-family homes; clarification to the requirements for undergrounding utilities in conjunction with single-family home remodels; extension of permit clarification and changes to the processing of single-family home applications under the Architectural and Site review regulations; and regulations for the operations of large family daycare homes (i.e., a home that provides family daycare for up to 12 children). These amendments do not raise any coastal issues.

IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Coastal Commission's review and development process for Local Coastal Programs and amendments to them has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does utilize any environmental information that the local government has developed. Approval of the amendments, as modified, will not have significant environmental effects, consistent with the California Environmental Quality Act.

